

UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

WILLIAM LYLE NIBLE,  
Plaintiff,

v.

JEFF MACOMBER, et al.,  
Defendants.

No. 2:24-cv-01259-DJC-CSK (PS)

ORDER

(ECF No. 18)

On October 15, 2024, the Magistrate Judge filed findings and recommendations (ECF No. 18), which were served on the parties and which contained notice that any objections to the findings and recommendations were to be filed within fourteen (14) days. On October 29, 2024, Plaintiff filed a document titled "motion for reconsideration," which the Court interprets as objections to the findings and recommendations. (ECF No. 22.) The motion was timely filed within the objection period, and in the motion, Plaintiff objects to the findings and recommendations. (*Id.* at 2.) Further, a motion for reconsideration filed before a ruling on the findings and recommendations is premature. Plaintiff's objections have been considered by the court.

This Court reviews de novo those portions of the proposed findings of fact to which an objection has been made. 28 U.S.C. § 636(b)(1); *McDonnell Douglas Corp. v.*

1 *Commodore Business Machines*, 656 F.2d 1309, 1313 (9th Cir. 1981); see also  
2 *Dawson v. Marshall*, 561 F.3d 930, 932 (9th Cir. 2009). As to any portion of the  
3 proposed findings of fact to which no objection has been made, the Court assumes its  
4 correctness and decides the matter on the applicable law. See *Orand v. United States*,  
5 602 F.2d 207, 208 (9th Cir. 1979). The Magistrate Judge's conclusions of law are  
6 reviewed de novo. See *Britt v. Simi Valley Unified School Dist.*, 708 F.2d 452, 454 (9th  
7 Cir. 1983).

8 The Court has reviewed the applicable legal standards and, good cause  
9 appearing, concludes that it is appropriate to adopt the findings and  
10 recommendations in full. Accordingly, IT IS HEREBY ORDERED that:

- 11 1. The findings and recommendations (ECF No. 18) are ADOPTED IN FULL;  
12 and
- 13 2. Plaintiff's Motion for Temporary Restraining Order and Preliminary  
14 Injunction (ECF No. 17) is DENIED; and
- 15 3. This matter is referred back to the assigned Magistrate Judge for all further  
16 pretrial proceedings.

17  
18 IT IS SO ORDERED.

19 Dated: **December 27, 2024**

  
Hon. Daniel J. Calabretta  
UNITED STATES DISTRICT JUDGE